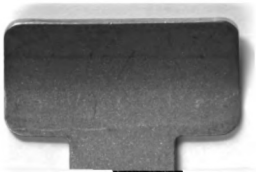
THE PART OF FRANCE AND RUSSIA IN THE SURRENDER BY ENGLAND OF...

Sheffield Foreign Affairs Committee (SHEFFIELD), ...



THE PART

OF

FRANCE AND RUSSIA

IN THE

SURRENDER BY ENGLAND

OF THE

RIGHT OF SEARCH.

CORRESPONDENCE BETWEEN THE SHEFFIELD FOREIGN AFFAIRS COMMITTEE AND THE LORD ADVOCATE.

LONDON:
ROBERT HARDWICKE, 192, PICCADILLY.
June, 1866. *One Shilling.*

CORRESPONDENCE WITH THE LORD ADVOCATE.

No. 1.

Foreign Affairs Committee, Sheffield,
March 26, 1866.

SIR,—In the report of your speech of the 2nd instant., on the Motion of Mr. GREGORY, which appeared in the *Standard*, the following passage occurs :—

"He was surprised to hear the honourable Member complain that we aimed at having declared that enemies' goods in neutral ships should be protected, as if that was new; the honourable Gentleman complained that this would give a right to the neutral merchant to bring actions against the British for capturing goods. Quite true. But that was the law before the Conference of Paris. *The French law was, that 'free vessels made free goods.'* Our law was, that 'the neutrality of the goods protected them under the enemies' flag.'"

This statement, that the French law was, that "free vessels made free goods," has caused this Committee great surprise.

In the French Declaration of War of 1854 the following words occur :—

"His Majesty the Emperor of the FRENCH consents, for the present, to waive a portion of his rights. The vessels of his Majesty will not seize enemies' property on board a neutral vessel."

It appears, therefore, that the French Government held, that by the law of France free vessels did *not* make free goods.

I am directed by the Committee to request that you will be so kind as to explain this difference between your view of the French law and that held by the French Government.

I have the honour to be,
(On behalf of the Committee),
Your obedient servant,
ISAAC IRONSIDE, Chairman.

The Right Hon. James Moncreiff, M.P.,
Lord Advocate.

No. 2.

Edinburgh, April 3, 1866.

Sir,—I am desired by the Lord Advocate to acknowledge the receipt of your letter referring to a passage in a speech made by him in the House of Commons, and to make the following reply :—

It appears from your letter that the Committee, in whose name you write, desire information respecting the grounds on which the Lord Advocate stated the rules observed in France in cases of Maritime capture.

The work most easy of access to which I can refer you is "Wheaton's International Law." In the edition of 1863, by LAWRENCE, you will find at pages 768-9 a note by the Editor, which gives a brief outline of the history of Maritime Law in France, from which you will see that the principle, that "free ships make free goods," has been generally recognised as their rule of Maritime Law since the period of the American War of Independence.

In your letter you refer to a sentence contained in a French State Paper, by which you appear to have been misled into forming an erroneous conception on this subject. I am unable at this moment to lay my hands on the document in question, but I have no doubt that a reference to the context will show that this sentence in the Proclamation was simply the counterpart of one issued by HER MAJESTY respecting the Crimean war. The rights of both Sovereigns were of course equal, whatever their practice had been. But on the general rule previously followed by the French Government there is, and can be, no doubt whatever.

It is not generally desirable that a Member should enter into a discussion upon words spoken by him in Parliament, but the Lord Advocate has desired me to write this letter, as he presumes you wrote to him with the view of acquiring information.

I am, your obedient servant,

STAIR AGNEW.

Isaac Ironside, Esq.

No. 3.

Sheffield, April 29, 1866.

Sir,—I am desired by this Committee to return you their sincere thanks for your letter of the 3rd instant. However, they regret that your opinion should be at variance with the conclusions they have come to and with the authorities quoted in their first letter (and which they deemed and deem the highest and the only authorities on the subject), still they are grateful to you for having furnished them with the grounds on which you have concluded, and beg most respectfully to lay before you, with the frankness which so weighty a matter requires, and which your own act sanctions, the reflections which the inquiry resulting therefrom suggests.

What the law of any country is at any particular time, in respect to the means of coercing an enemy on the only point on which any conflict of law or practice ever existed, is a matter which cannot be supposed to involve the slightest ambiguity. It must suffice to refer to the statute-book, the royal ordinances, or public acts. To these we have referred, on these we have concluded, namely, that at the time in question—the period immediately preceding the Declaration of Paris—the French law authorised the capture and confiscation of enemies' produce, even though embarked in the bottoms of vessels in amity with France.

Your reply maintains, in face of our citation, your assertion in the House of Commons, that the Law of France at the time of the French Declaration of March 29, 1854, forbade the seizure under such circumstances of the produce, manufactures, and property of the enemy.

To maintain such a position, it appears to us that it was of the first and last necessity for you to show that the act of the French Government, quoted by us, was supposititious, and so dispose of our inference; secondly, that you should quote acts of the French Government, proving the law to be such as you asserted it to be. You have done neither. You have not questioned the authenticity of the act cited by us. You have not adduced act or acts establishing the contrary.

You have referred, indeed, to an authority. It is that of a writer of no weight, not even an author on such matters, but an annotator; the note in question not being appended to any passage conveying the same sense in the author commented upon, and this writer not being even a Frenchman, but a United States partisan, moved in his speculations by hostility to Great Britain.

We are constrained, on this *prima facie* view of the case, to come to two conclusions. The first, that this authority has no bearing whatever on the case, being no evidence at all; secondly, that your reference to such a work could only arise from there not having been within your knowledge any quotable authority on your side.

Having carefully perused all that is contained in the note of Mr. LAWRENCE to the reprint of WHEATON'S work, we find but a single passage which could have been in your mind when you referred us to it. That passage is as follows:—

"The principle that free ships make free goods has, since the American war, been the generally recognised rule of French Maritime Law."

Take this assertion for what it is worth; it does not amount to asserting that "The Law of France was free bottoms make free goods." All that is attempted by this partisan seeking to insinuate conclusions derogatory to the employment of England's strength, and to stay up these conclusions by an assumption of the existence of a practice in France available for his argument, is that, *generally*, the *recognised* rule of France is so-and-so. This ambiguity of expression does not belong to writers whose words are worth quoting, except in so far as to show the dishonest and insidious nature of the means employed for perversion; but, after all, the sense is clear that the Law of France varied, and that, therefore, what it was at any particular time is simply a matter of dates—dates not to be determined even by the year: you have to come down to the month, and to the particular day of the month, to know what the Law of France was at any particular time. Mr. LAWRENCE does not say that at the time of the Russian War the Law of France was "free bottoms free goods," and, what is more, he could not have made that statement, at least in the work before us, for the passage quoted is in the midst of a narra-

tive of the mutations in French Law, and which, garbled and falsified as it is in almost every point, concludes with the assertion that at the end of the period under review the doctrines of the Russian Armed Neutrality had triumphed over the laws alike of England and France. Mr. LAWRENCE says:—

"Russia, during the *exceptional period* of the French Revolution, especially in 1793 and 1801, deviated widely from that system of which it was the *glory of the Empress* CATHERINE *to have been the champion*, and which is now sanctioned, and even extended beyond what was established in the respective Conventions of Armed Neutrality by her great belligerent adversaries."

This is, at any rate, all the sense that can be made out of these pages of print, where special pleading is contained in each statement, insinuation substituted for argument, and contradiction for conclusion.

The authority of the work consists in the name of the Author, but that author has not a word on the subject; he narrates the changes in the French law that had taken place, but it did not occur to him, as it occurred to no one, up to the time that arguments were to be found to justify the act and to conceal the object of the English Government in waiving the means by which alone Russia could be coerced at the moment at which England was declaring war against her—we say up to that moment no one ever heard or thought of the proposition, "The Law of France is free bottoms, free goods." If the law of France was spoken of it was, of course, in reference to its date. No difference could possibly arise on such a subject, for every one knew, or at least those who cared could know, at what dates France had joined Russia in maintaining that free ships made free goods, and at what dates she had maintained the contrary. No one could assert a general proposition on the subject; no one was called on to controvert a general proposition, and no discussion could arise. No discussion had arisen, no discussion arises, none can arise now, except in so far as now there are parties interested in putting such statements forward, which are then easily accepted by others who find therein an explanation of that which otherwise is to them inexplicable.

Giving you the full benefit of Mr. LAWRENCE's recital of the changes in French Law, out of which he constitutes the "generally recognised rule of France," it will amount to ten years (1783 to 1793) out of about 1000 years, if we take, as the limits of time, CHARLEMAGNE on the one hand, and March, 1854, on the other; but then it has to be observed that of these ten years the whole period, with the exception of three months, was one of peace; so that the application of the "generally recognised rule" in time of war, when alone that rule can apply, is positively reduced to three months, these three months being just the time requisite for the Government of France to discover that it was impossible for it to carry on war under any such rule. Even these three months are apocryphal. We do not find in the decree of the 14th February, 1793, anything but the assertion of the "ancient laws"—a term, to say the least, equivocal.

The last acts upon the subject by the French Government were

the Berlin and Milan Decrees, when, passing beyond the rule of confiscating enemies' goods when in the charge of neutrals, they went the entire length of destroying them after they had become French property. The Act which preceded these decrees is that of May 22, 1803, of which the following is an item:—

"ART. LIII.

"Shall be *also* good prizes whether the vessels or their cargoes, in whole or in part, the neutrality of which shall not be justified conformably to the regulations or the Treaties."

These are the legislative measures which preceded the fall of NAPOLEON, they were followed by the Treaties of Paris and Vienna; so that the Law of France, being in perfect harmony with that of England, nothing had to be stipulated on the subject, as nothing was stipulated; and therefore, on the suspension of these laws in March, 1854, the present Emperor of the French properly and necessarily described that Act as a waiving of the rights of France.

We subjoin, as an enclosure, an analysis of the narrative of Mr. LAWRENCE.

Our interest in the statement thus analysed is derived from the use that was made of it in 1854, when England and France waived the Right of Search during the Crimean War.

It was argued by Sir WILLIAM MOLESWORTH that as the French law confiscated all goods in an enemy's ship and none others, and as the English law confiscated only enemy's goods, but did so wherever they were found, it was necessary to an alliance between the two nations that their laws should be assimilated. This, he contended, was satisfactorily accomplished when France gave up the right of seizing neutral goods in Russian vessels, while England gave up that of seizing Russian goods in neutral vessels. Thus the alliance against Russia consisted in making safe not only Russia, but any neutral who was willing to give her aid. Sir WILLIAM MOLESWORTH drew a graphic picture of a neutral ship visited by a French one and courteously suffered to pass, and of the terrible sequel of its capture by an English ship. He even ventured to heighten the effect of this picture by drawing another of a Russian ship whose neutral cargo England did not touch, being afterwards seized by a French one. Had it been true that France could seize the goods of a neutral in a Russian vessel, this faculty would have effectually supplemented the English faculty of seizing Russian goods in a neutral vessel. The English armament was sufficient, especially if letters of marque had been issued, to stop all neutral vessels laden with Russian produce, while the French would have punished every neutral who trusted his property to a Russian bottom. Thus the Russian trade would have been doubly secure of annihilation.

The expression of indignation and surprise at such a statement being made in the House of Commons by Sir WILLIAM MOLESWORTH, though it may appear strange to the ignorant, cannot appear astonishing to any one who knows the truth. But Sir WILLIAM MOLESWORTH'S assertion could carry no weight. He was neither a lawyer nor a diplomatist, and though accustomed to heavy literary

labour in classical or philosophic researches, yet on this occasion he did not take the trouble to ascertain the truth of the statement he made, but openly said, "I am informed," &c. Yet it is this very statement of Sir WILLIAM MOLESWORTH'S, avowedly second-hand, yet without specific authority, that is seized on by Mr. LAWRENCE to slip into a posthumous edition of a work of reputation and character in order to confer upon the misrepresentation an authority to which it had no claim.

We cannot, then, wonder at Mr. URQUHART'S saying in his letter to Mr. GREGORY, that his eyes turned round in his head when he saw your assertion in the House of Commons on the 2nd of March. For, Sir, that gentleman had explained to us during the war, and in the year before the Declaration of Paris, the character of the decrees of France on the Right of Search, showing that it was from France that England derived her law on that subject, and explaining the purpose of the waiving of the Right of Search, so that we were not surprised when it was surrendered at the Peace. For, of those things that are brought about by human management, nothing can be understood at the time it happens, if it is not understood before it happens.

Mr. URQUHART then told us not only that that surrender would be made, but that it would be accepted. His examination (of which I enclose a copy) lasted two days, and every point of the subject was gone into. I was Secretary of the Committee which investigated the matter, and, myself, put to him those questions the answers to which left us from that moment without the possibility of misunderstanding the purpose and character of that surrender.

The defence of Sir WILLIAM MOLESWORTH which Mr. LAWRENCE thus adopts, was in substance, that this waiving of the Right of Search was a "European necessity," to which England had to submit, just as in 1852 the change in the Danish Succession was imposed on the Danes as a European necessity, while the Powers who consented to it did so on the grounds that it was desired by the people of Denmark. On this point, however, we find an explanation in your letter, which commands our perfect concurrence. Speaking of the Declaration of the Emperor of the FRENCH, you say: "I have no doubt that "a reference to the context will show that this sentence in the Pro- "clamation was simply the counterpart of one issued by Her MAJESTY "respecting the Crimean War." No doubt the sentence in the French Proclamation is the counterpart of that in the English one, for it is exactly the same. The practice of France when our enemy, has always been founded on that of Great Britain, and it is equally so when she is our ally. But you look for an explanation of the sentence in the context. The sentence itself is a declaratory and enacting one. It enunciates the law, and declares its suspension. We cannot, therefore, understand the application you make in reference to context. A sentence intervening between other sentences mutually required to convey the sense, being taken separately and any conclusion being founded thereon, it is right and necessary, in combating or even in testing any inference from it, to refer to the context; but

when a statement is completed in a sentence, context can have no part.

But you meet the complete sense conveyed in this sentence, not by adducing such context; but on general grounds; namely, that this sentence, completed as it is, may be controverted by that context to you unknown. But this modification of the sentence to be effected by the unknown context must, if it have any value at all, amount to a complete contradiction of it. For, in March, 1854, the French Government either had a right to waive, or it had no right to waive. It said that it did waive that right; this unknown context which could justify your statement in the House of Commons must amount to this, that the French Government could not do what it did. The explanatory context of "His Majesty waives his right to seize," must be "not that His Majesty has any right to seize."

Again, as the authority upon which you rely makes out for France a wholly different right from that of seizing enemy's goods; namely, the right of seizing neutral goods; if he also waives this right the context will serve for nothing, because the terms of the text are explicit, "His Majesty will waive the right of seizing enemy's goods in neutral vessels." An available context must be, "But His Majesty has only the right to seize *neutral* goods in *enemy's* vessels." But this would not be context but contradiction. We cannot imagine, either, how it could be possible for a Government to say in an official document that it waived a right belonging to it, if it did not possess that right, for if it did not possess it there could be no necessity to utter a word upon the subject. Nor can we conceive, had the French Government waived a right it did not possess, that ten years should have elapsed before any one made the discovery, for, so far as we are aware, no one before yourself has found out that the French Government put forth a false statement in its Declaration of March, 1854.

Our surprise on reading your assertion that the Law of France was "Free ships make free goods," was not less occasioned by its inconsistency with the doctrine so clearly expounded by you on the subject of the property of belligerents. You say, on the one hand, most justly, "A state of warfare signifies a denial of the right of property as regards the belligerent." You say, on the other, that to protect enemies' goods is not new, and that this provision of the Declaration of Paris will "give a right to the neutral merchant to bring actions against the British for capturing goods."

Put the two statements in juxtaposition, and see the result.

1. The state of warfare denies the right of property to the belligerent.

2. The Declaration of Paris affirms the right of property in the belligerent.

It is impossible to escape the conclusion that the Declaration of

Paris, though it may be consistent with bloodshed, is wholly inconsistent with the state of war.

Our law already compensates the neutral for the loss of that which is lawfully his own. If the belligerent's property is to be protected in our courts, it must be by giving to the latter a liberty to plead in them, or by conferring that right on the neutral in his behalf; thus allowing the neutral to do for the belligerent that which the belligerent not only cannot do, but is expressly prohibited from doing for himself. It is undoubtedly true that these consequences must follow from the Declaration of Paris, if that Declaration is not to be waste paper, but we ask you, as a British lawyer, will you affirm that a Treaty can impose a new rule of law upon the courts of this kingdom? If, as you must own, no such authority belongs to a Treaty authorised beforehand, and solemnly ratified by the Sovereign, how can it belong to an act which is not even a treaty, which was issued without authority, and which the QUEEN has never sanctioned?

We cannot conclude without observing that whether this was or was not the Law of France affects in no way the consequences, to England, of the Declaration of Paris. We have derived from your speech the conviction that you are entirely with us in your judgment as to that act, and that should the occasion arise of your being consulted as one of the Law Officers of the Crown, your voice will be in favour of your country. It is on this very account that we have been pained at your having accepted this fabrication in reference to France, and also because this conclusion places a bar in the mind of every one who entertains it to the perception of the easiest if not the only way to escape from the entanglement before the contingency of war arises, when, in our judgment, it will be too late. The method to which we refer is that of concerting with France, on the grounds of her own interest, her own security, and her own *laws* to abrogate that fatal deed.

I have the honour to be Sir,
Your obedient servant,
ISAAC IRONSIDE, Chairman.

The Right Honourable the Lord Advocate, M.P.

ENCLOSURE No. 1.

EXTRACT FROM THE EXAMINATION OF MR. URQUHART.

July 16, 1855.

Qu.—We understand that this right of seizure is a right inherent in sovereignty and as old as war itself; and, as a consequence, that it is antecedent to all enactments and all written law?

Ans.—Yes.

Qu.—A right, not enacted but acted upon, is to be found historically in laws: is that the case in reference to the right of search and the right of seizure?

Ans.—It is so recorded in the most formal manner. I do not go

back to the times of classical antiquity, nor to the first periods of our Northern races; but when the new order of things sprang up in Europe, by the element of commerce, the laws of these communities laid the basis of modern public right. These codes, especially of Barcelona, Marseilles, Amalphi, and other free States of Italy, and the Hanseatic towns of the North, were in the twelfth century compiled, and bore the title of the *Consolato del Mare*. This is the fountain of all modern law—deserving to be so from the beautiful accuracy of its provisions, no less than its high authority. It included the enactments of the sovereigns who ruled Byzantium, Cyprus, and Jerusalem, as well as Scandinavia. England alone is excepted. There is no provision for the seizure of belligerents' goods; and from the yet uninterrupted common sense and plain speech, such a word as "right of search" could not have been uttered. The *Consolato del Mare* furnishes the historical record of the existing law, because it specifies the conditions under which seizure shall be made; it guards on the one hand a belligerent from encroachments upon the part of a neutral, and on the other it protects neutral carrying vessels from injustice on the part of belligerents; in illustration of which I will read to you a clause from chapter 273 of that code:—"If the captured vessel is neutral property, and the cargo the property of enemies, the captor may compel the merchant vessel to carry the enemy's cargo to a place of safety, where the prize may be secure from all danger of recapture, paying to the vessel the whole freight which she would have earned at her delivering port; and this freight shall be ascertained by the ship's papers; or, in default of necessary documents, the oath of the master shall be received as to the amount of the freight." This completes my answer as to the historical record of the exercise of that right.

Qu.—What is the history of the case from that time?

Ans.—The *Consolato del Mare* was compiled by orders of a French King, ST. LOUIS. It was afterwards embodied by ordinances of FRANCIS the First; and again under HENRY the Third.

Qu.—You have said that England was excepted from the *Consolato del Mare*. It now appears that the maxim was French, and not English. Is that what you mean?

Ans.—Not precisely. The rule was followed by England, but the law was laid down by France. But in truth the French law of a subsequent period was more stringent than that which existed at the time of the *Consolato del Mare*. By the ordinances of 1573 and 1584, all neutral trade with belligerents was prevented. By that of 1704, the neutral *vessel* was confiscated; by that of 1744, the rule was relaxed as regards all neutral trade, but confirmed as regards neutral vessels in direct trade. The difference between France and England is this, that the former country went to excess, and so overstepped the law; so that you may safely infer that the maxim to-day called English is peculiarly French.

ENCLOSURE No. 2.

NOTE BY WILLIAM BEACH LAWRENCE TO WHEATON'S "ELEMENTS OF INTERNATIONAL LAW."

Edition of 1855. *Part IV., Chapter* 3. *Rights of War as to Neutrals*, pp. 534-44.

EXTRACT.

The internal ordinances of France were not only inconsistent with the numerous treaties, including those of Utrecht, to which she was a party, but were even more severe than those of England or of the *Consolato del Mare* on which the latter were based. That Code while it authorised the condemnation of enemy's property on board of neutral vessels, left free the vessel itself and the rest of the cargo, and, moreover, allowed freight to the place of destination to the neutral carrier, with an indemnity for the detention.

By a decree of Francis I. in 1543, (the principles of which, after some temporary modification, were re-affirmed in the marine ordinance of 1681, and which continued in force till 1744), not only was enemies' property, on board of neutral vessels condemned, but the vessel itself and the rest of the cargo were also confiscated. At the same time, the goods of a friend, laden on board of an enemy's ship, we declared good and lawful prize. By an ordinance of 1704, all articles of the produce and manufacture of the enemy's country on board of a neutral vessel, were subject to capture, though they did not cause the confiscation of the vessel and of the other parts of the cargo, which the carrying of enemy's property still continued to do. The peculiar provisions of this ordinance, like the French decrees and the British orders in council of the present century, of which neutral nations were the victims, were attempted to be justified as retaliatory measures: England and Holland, with whom France was at war, having by the Convention of 22nd of August, 1689, which was renewed in the war of the Spanish succession, not only declared all articles of the produce and manufactures of France liable to seizure in neutral vessels, but subjected the rest of the cargo as well as the vessel to be confiscated. In 1744, the ordinance of 1681 was so far modified that the carrying of enemy's goods did not confiscate the neutral vessel or the rest of the cargo, but enemy's goods, as well as articles of the produce and manufacture of the enemy's country, in neutral vessels, were still liable to confiscation.

The Treaty of February 6, 1778, between the United States and France, adopting the principle *free ships, free goods*, was extended by an ordinance of July 26, 1778, to all neutrals, but it contained a provision for returning to the old law, if the enemies of France did not recognise the same rule, and Neutral Powers suffered it to be violated. The ordinance was, in fact, suspended with respect to the United Provinces from January 14, 1779 to April 22, 1780. As the ordinance of 1681 governed in those cases for which that of 1778 had made no provision, neutral goods on board of enemy's ships continued to be subject to confiscation.

The principle that free ships make free goods has, since the American war, been the generally recognised rule of French Maritime Law, though it was, not unfrequently, violated by the revolutionary governments. The National Assembly by a decree of February 14, 1793, continued in force the existing laws as to prizes, until otherwise ordered, though by a decree of May 9, of the same year, in consequence of the course of the British Government, enemy's property on board of neutral vessels was made liable to confiscation. From the operation of this order the United States were, on the 1st of July, declared to be excepted on account of their Treaty of 1778, as were likewise subsequently Sweden and Denmark, and all others who had treaties with France, consecrating the rights of the neutral flag. The Government of the Directory considered the Treaty of 1794, between the United States and Great Britain, as a hostile act, on the part of America towards France, and taking advantage of one of the articles of the Treaty of 1778, by which it was declared that any favours granted by the one party to a foreign nation, should become common to the other, it was declared by the decree of 12 Ventose, year 5 (March 2, 1797) that the French had acquired by reason of the Treaty with England, the right of taking enemy's property in American vessels. The United States, on their part, by an act of Congress of July 7, 1798, declared themselves, in consequence of the violation of the existing Treaties of France, and her refusal to make reparation for injuries, or to negotiate respecting them, freed from their stipulations. After some acts of reprisal authorised by the laws of the United States, the provision respecting "*free ships, free goods*," as contained in the Treaty of 1778, was renewed in the Treaty of 1800, with a declaration at the time of the exchange of ratifications, on which the claims of American citizens on their own government for spoliations anterior to its date are founded, of a renunciation of the indemnities mutually due or claimed, growing out of the preceding treaties.

A law of 29 Nivose, year 6, (January 18, 1798) declared good prize every neutral vessel laden with enemy's goods, coming from England or her possessions. This was abrogated by the law of 23 Frimaire, year 8, (December 14, 1799) and a decree was issued on December 20, 1799, after the accession of BONAPARTE, as first Consul, restoring the laws and usages of the monarchy as they were in 1778, in regard to neutrals. The report of the Minister of Foreign Affairs to the Emperor NAPOLEON, of March 10, 1812, commences by declaring that the maritime rights of neutrals were solemnly recognised by the Treaty of Utrecht, which, it assumes had become the common law of nations. That the flag covers the property; that goods under a neutral flag are neutral, and that goods under the enemy's flag are enemy's goods, are among the principles recited.

The disregard by England and France of all international rights, from the rupture consequent on the peace of Amiens, to the end of the general European wars in 1815, by orders and decrees professedly retaliatory of each other, and which sacrificed all neutral

Powers to their conflicting belligerent pretensions, have been disavowed by both, as constituting precedents for the future conduct of nations. So far as England is concerned, all claims of the United States for indemnity were merged in the war of 1812, induced by a violation of our neutral rights both as regards persons and property, while, in the case of France, as well as of Spain, Denmark, and Naples, whose illegal edicts were in general based on those of France, adequate indemnities were paid to the American Government, under conventions to that effect, and distributed to the citizens aggrieved. Turkey, the ally or protegée in the present contest of England and France, has done much to vindicate a claim to be received within the pale of international law, by the respect which she has ever evinced for the immunity of the flag. The other maritime Powers of Europe have, especially since the Armed Neutrality of 1780, to which most of them became parties, confirmed their internal ordinances when not under the controlling influence of the dominant States, to the principles, so generally adopted in their commercial conventions. Russia, during the exceptional period of the French Revolution, especially in 1793 and 1801, deviated widely from that system of which it was the glory of CATHERINE II. to have been the champion, and which is now sanctioned, and even extended beyond what was established in the respective conventions of Armed Neutrality, by her great belligerent adversaries.

ENCLOSURE No. 3.

ANALYSIS OF MR. LAWRENCE'S NOTE.

IN his closing sentence, Mr. LAWRENCE makes a most remarkable but perfectly true announcement respecting the Power which framed the Armed Neutrality. He says that Russia did not follow her own rule during the French Revolution, and he calls this an "exceptional period."

But if it was an exceptional period as regards Russia, how much more was it so as regards France herself?

During this "exceptional period," all the laws and the entire internal system of property in France were changed; but we find no change in the spirit with which France carried on war either by land or by sea, and though we do find certain oscillations in her opinions as to the conduct of maritime war, yet these oscillations are only repetitions in detail and in spirit of those made for the previous two hundred and fifty years under the ancient monarchy.

If the Royal Decree of July 26, 1778, was an attempt to set up the doctrine of "Free ships, free goods," the qualification which provided for its revision showed the impotency of the attempt. But the only Article of the Decree which bears upon this subject does not affirm this doctrine, though in relaxing the rule which enacted the capture of neutral vessels containing enemies' property, this immunity does seem to be inferred. This Article is as follows:—

"ART. I.

"His Majesty forbids all armed vessels *to arrest and conduct into the ports of the Kingdom* the ships of neutral Powers, even if they should have set out from

enemies' ports, or be destined thither; always excepting those which shall carry aid to places blockaded, invested, or besieged. With regard to ships of neutral States, which may be laden with Contraband merchandise destined for the enemy, they may be arrested, and the said merchandise shall be seized and confiscated; but the vessels and the remainder of their cargo shall be released, unless the said Contraband merchandise compose three-quarters of the value of the cargo; in which case the ships and the cargo shall be entirely confiscated. His Majesty *reserving to himself, moreover, the power of revoking the liberty granted in the present Article, if the hostile Powers do not grant reciprocity within six months, reckoning from the day of the publication of the present regulations.*"*

This inferential liberty to enemies' goods in neutral vessels, granted by the Decree of July 26, is in remarkable contrast to the specific Declaration contained in the Treaty with the United States of the previous 6th of February :—

"ART. XXIII.

". . . . . It is stipulated by the present Treaty that free bottoms shall equally ensure the liberty of the merchandise, and that all things shall be deemed free which shall be found on board ships belonging to the subjects of one of the two contracting Parties, even should the cargo or part thereof belong to the enemies of one of the two; well understand, nevertheless, that Contraband shall be always excepted."

Now let us look at the Decree of the National Convention of February 14, 1793. Mr. LAWRENCE says that it continued the existing laws, insinuating that by this was meant the Decree of 1778, of which he had previously given a false construction. The Decree of February 14, 1793, contains no mention whatever of the Decree of 1778. The only Article bearing at all on the point is the following :—

"ART. V.

"The *ancient* laws concerning captures shall continue to be executed till it is otherwise ordained."†

The ancient laws enacted that capture of the vessel which was relaxed by the Decree of 1778, and that absolute seizure of enemies' goods which that Decree made conditional.

By the Decree of the 9th May, 1793, the doctrine—for it cannot be called a rule—"Free ships, free goods," was postponed till the enemy should acquiesce in it. By the Decree of the 17th July, 1793, it was abrogated altogether.

In 1794 the French Government treated the United States with the utmost contumely, because while conceding to England by Treaty a right which was indisputable, they required of France the observance of the Treaty of 1778, which allowed them to carry enemies' goods, and in 1797 the French declared the Treaty at an end.

Up to this date, then, even according to the statements of Mr. LAWRENCE, coloured as they are, we find that *in time of war* the French rule in practice was, that Free ships did *not* make free goods. The utmost length to which the National Convention went was to decree the observance of actual Treaties, and this determination was —at least, as regards the United States—departed from.

The year 1798 produced a new decree. Was it in favour of the "immunity of the flag"? No, it confiscated the neutral ship that

* Martens's Treaties, vol. iii. p. 19.
† Martens's Treaties, vol. v. p. 880.

carried an enemy's cargo. The words "coming from England," indeed, give the idea that other enemies were treated with more consideration. But after the submission of Holland, Spain, Sardinia, and Naples, and the Treaty of Campo Formio with Austria, England remained the only enemy.

The decree of December 20, 1799, restored the laws and usages of the monarchy as they were in 1778. But it is manifest, even from Mr. LAWRENCE's description of the ordinances of 1778, that the "immunity of the flag," unless specially granted by treaty, was granted only when the enemy of France recognised the same rule—that is to say, when France was not at war with England, then the only maritime Power with which she ever was at war.

Looking back at this doctrine of "Free ships, free goods," attributed to the Decree of July 26, 1778, we find that—

1. It is only inferential.
2. It is conditional on its acceptance by the enemies of France.
3. It was suspended in time of war.
4. Though Mr. LAWRENCE asserts that it was re-enacted at the beginning of the War of 1793, this is not made out; what is made out is, that if it did then exist, it was swept away in the fourth month of the war. The French declared war against England on the 1st of February; on the 9th of May the Convention decreed the seizure of enemies' goods in neutral vessels.

Mr. LAWRENCE goes at once from 1799 to 1812, leaving it to be supposed that in the interim the rule of 1778 remained untouched. Had this been the case, it would still have been impossible to say that the law of France was "Free ships, free goods." But the ordinance of December, 1799, was not suffered to remain unaltered. On the 22nd May, 1803, an elaborate prize code was issued by the French Government. Of this code it will be sufficient to quote the following:—

"ART. LIII.

"Shall be *also* good prize whether the vessels or their cargoes, in whole or in part, the neutrality of which shall not be justified conformably to the regulations or the Treaties."*

A previous article confiscated all enemies' vessels; this mention of the *vessel* can therefore only refer to that of the neutral.

Up to this period we have found nothing in France but a determination to enforce her own maritime rights combined with an ever repeated attempt to persuade England to renounce hers; LOUIS XVI., in his reply to the Empress CATHERINE, 25th April, 1780, actually saying that his only object in taking up arms in the American War was to obtain the freedom of the seas.

We now come to the era of the Berlin and Milan Decrees, when NAPOLEON, declared that every neutral merchant ship which permitted the visit of an English ship became English property, and might be seized as belonging to the enemy.

* Martens's Treaties, vol. viii., p. 22.

The French Minister in the Report of 1812, justified these Decrees on the grounds that the doctrine "Free ships make Free Goods," is according to the Law of Nations. This is a splendid example of the consequence of setting up a new doctrine, and departing from an ancient maxim.

The seizure of enemies' goods everywhere, and consequently in neutral vessels, was not established by enactment; it had its origin in no written law; it was a natural right; when referred to in that oldest Maritime Code—the *Consolato del Mare*—it was to prevent its abuse. NAPOLEON propogated the new doctrine by treating any neutral as an enemy who submitted to the exercise of the ancient right. No plea of retaliation could justify this; because retaliation can only be exercised towards an enemy who has, properly speaking, no rights. The doctrine of the "Rights of Neutrals" was, therefore, not only infringed upon, but destroyed by the Berlin and Milan Decrees. We pass from contradiction to contradiction. Mr. LAWRENCE founds his notions of the Law of France upon the Report which justifies those Decrees, and at the same time he declares those Decrees to be exceptional, and to have no force as precedents.

Again, Mr. LAWRENCE quotes the Report of 1812 as evidence that the French Maritime Law was based on the Treaty of Utrecht, and that that Treaty was legally in force after the war between England, France, and Spain, which brought about the Battle of Trafalgar. Yet neither the French nor the American Diplomatist could be ignorant that the Treaty of Utrecht had lapsed by war, and that its stipulations as to maritime capture had never been observed during war between the parties to it.

No. 4.

London, April 30, 1866.

SIR,—I have to acknowledge receipt of your communication, which I have read with much interest. I have not sufficient leisure to pursue the discussion, but I note one or two points for your consideration.

Your remarks seem to overlook one leading principle of International Law. It is a law of *comity* merely—not of positive obligation, unless where the subject of treaty, and then only with the State with whom the Treaty is made. It follows that no Sovereign can have international rights which are not possessed by every other Sovereign, and that if the Sovereign of Great Britain had a right to seize enemies' goods under a neutral flag, the Sovereign of France had precisely the same right, whatever might have been the previous practice of that country.

My remarks referred to the rules generally followed by France. That they were fluctuating, is true, but quite immaterial to my argument. The observation I made was intended to explain the object of the Convention of Paris, which was, as I thought and think, to bring the practice of the two States into harmony. That France did hold the doctrine, that neutral goods might be seized under the enemies' flag, is certain, and that was the substantial right she aban-

doned; and the Declaration of 1854 was intended to accomplish that object for the purposes of the Crimean War.

Dr. ABDY, the present Professor of Laws in the University of Cambridge, in his recent Edition of "KENT's Commentaries," has this passage, which may very well stand as expressing what I said in the House of Commons (p. 346):—

"The subject just discussed, like several other points of Maritime Law, has been materially affected by the war between Russia and the two great European Powers. 'Previous to that war,' says Mr. TUDOR, in his excellent work already quoted, 'it *became necessary that the respective navies* of England and France should act on *the same rules* in matters of prize. This was effected by means of a *compromise;* for while, by a legal declaration dated March 28th, 1854, followed by an Order in Council of the 15th April, 1854, England announced her intention of waiving the right of seizing enemies' property on board a neutral vessel, France, on the other hand, by a declaration of the same date, *acceded to the principle that neutral property on board enemies' ships should not be liable to confiscation.* The same principle was adopted by the Plenipotentiaries who signed the Treaty of Paris,'" &c.

Dr. ABDY plainly thinks, as I do, that the Declaration of 1854 was necessary only for these purposes, the counterparts being acknowledged in the general practice of the two countries respectively.

I am, however, obliged by your paper, which, although it does not affect, in my opinion, the accuracy of what I said, contains many things worthy of attention.

Your most obedient servant,

J. MONCREIFF.

Isaac Ironside, Esq., Chairman.
Foreign Affairs Committee, Sheffield.

No. 5.

Sheffield, June 2, 1866.

Sir,—The questions raised in the letter you have done us the honour to address to us are of such vital importance that we have deemed it necessary to refer to the best judgment to which we are able to have recourse. Having done so, we put aside the idea of presumption, in replying to your letter as we now do.

Our former letter was directed to establishing the contrary of what you said in the House of Commons. You assume, in your letter of April 30, that we have overlooked the equality of nations, and then go on to conclude, in so far as we can apprehend your meaning, that "rights" and "practices" are things distinct from the law of any particular country and time. If so, there can have been no meaning in the words you used in the House of Commons. If a right flowing from sovereignty was inherent in France because exercised by England independently of the "practice" of France herself at the time in question, it could mean nothing to say, "The French law was that free bottoms made free goods;" yet

you used these words, and we cannot suppose that you attached no meaning to them when you used them.

In the next paragraph you introduce the term "rules," and say that "the rules generally followed by France were fluctuating."

You mean that "the Law of France was fluctuating." This is to admit what we advanced in contradiction to your statement, viz., that the Law of France was not one and continuous, but that it changed, and that at the time of the Russian War, it was *not* "free bottoms, free goods."

Then the discussion is at an end, or would be if you continued to use the terms which you commenced by employing: but your letter, as it stands, appears to imply that there remains a case to argue. Further you furnish an explanation and a justification of the "Declaration of Paris." The *Times*, though it said that "the surrender of the Right of Search had been dictated by Providence," left the Act unjustified and unexplained; Mr. COBDEN, in asserting that it was dictated by an "imperious necessity," explained that necessity by a reason no longer available—the danger of a War with the United States. Thus, your letter, placing the matter on legal grounds, becomes a document of the highest importance; and late as it may have appeared in the debate, vitiates the whole of the case on the other side, if allowed to pass by unrefuted.

To this refutation we are further constrained by the inherent importance of anything in the shape of a defence of the Declaration of Paris, on account of the unexampled and extraordinary contradictions that have come out whenever such defence has been attempted.

The Act of the then British Government which has to be explained—if it can be explained—and justified—if it can be justified—was no less than this: the Voluntary Surrender, at the moment of going to War, of a natural right of warfare—a right (which we gather from your own words you acknowledge to be) inherent in Sovereignty itself. But in the case of England there was far more. It was a right for which we had contended during the last war in which we had been engaged, and successfully contended. It was one which every Statesman, Admiral, and Jurist, has alike declared to be the very foundation of our independent existence as a nation, because the right arm of our strength, we being a Maritime and not a Military Power. By the exercise of our Maritime Power we had not only defended our independence, but exerted such a power of control over other nations, and over one more particularly, that the State so subject to our control had put itself at the head of a league against us, for the avowed object of forcing us to give it up. That league we had defeated, and at the General Peace, our declaration had been admitted to the effect, that no negotiations were to take place on the subject, because it was already established by the Law of Nations. The pretensions of the Armed Neutrality were definitely relinquished.*

* The instructions of the British Government were to the effect "that any discussion relative to the Maritime Code would be contrary to the usages observed in negotia-

It is the fruit of all this struggle and this triumphant success, which was deliberately sacrificed by the Cabinet of 1854, on that, the very first occasion that had occurred of profiting by it.

The occasion was a transcendent one, because the Power against whom War was then declared was Russia, the very Power who had formed the league against us: the very Power who, from her Geographical and Commercial position, is above all others exposed to this Maritime pressure, whilst exposed to no military pressure whatever. The war with Russia when she was at the head of the *Armed Neutrality* had been successfully terminated by exercising this very right. That is, we had beaten her when without Allies ourselves, and when France, as well as Spain and the Northern Powers, were on her side against us. The Act of 1854 was therefore the denial of our history, as well as the resignation of our Rights.

You and others attempt to explain and justify the act by saying that it was the purchase of the Alliance of France. Had this really been the case, it would still remain as unjustifiable and as inexplicable as before, for such purpose could neither justify nor explain such a sacrifice. But this is not proved. Could it be proved that France had threatened to join Russia against us, unless we agreed to the terms of the Armed Neutrality, the act of agreeing would not be justified, because we had previously refused to agree to such terms, and the result had been that England overcame and put down the confederacy. Again, the going to War at all was a voluntary act on our part. It was not a Defensive War, and therefore one forced upon us. Nothing less than entirely opposite circumstances—namely, a war forced upon us by our independence being attacked, or our existence threatened by a coalition of all the other Powers, could in any way *explain*—we do not say justify—such a sacrifice as that of 1854. Then the only possible explanation would be ignorance and incapacity.

But, Sir, what proof have we that France made any such demand? You have never seen any Diplomatic correspondence on the subject. Had you done so, you would have quoted it as the proof of the assertion as to French Law made by you in the House. We cannot but observe that you do not quote any French authority whatever. Having first quoted an American, you now quote an Englishman. And again, that Englishman's words only amount to arguing upon the fact that England and France did surrender the Right of seizing Enemies' Goods in Neutral Vessels. Dr. Abdy quotes Mr. Tudor. Mr. Tudor only says the same as you said, *i.e.* that "England and France followed different rules in matters of prize." All he knows is the overt act, and, willing to account for that act, he assumes that the French and English Laws were different. The question remains, How do you, or he, or any

tions such as the present. That the Cabinet of London neither will grant nor require any concession bearing upon rights which it considers as obligatory, and capable of being regulated only by the Law of Nations"—a declaration to which the other Courts adhered. Thibaudeau's Congress of Chatillon, 1814.

one of us, know that France made the demand in question? Documents have never been laid before the House in proof of it. It has never been even distinctly asserted that any correspondence ever took place on the subject, and such correspondence must have been adduced, had it taken place.

In the absence of any knowledge of what the French Government did, or did not do, we have to argue on probabilities.

When England and France entered into alliance for the purpose of coercing Russia, it must be supposed that they would concert together the means to be used to that end. You grant to us all that is necessary for our object, namely, that the rules of France were "fluctuating." If so, it was that she altered them according to her supposed interest at the moment. The object of our former analysis of Mr. LAWRENCE'S note was to point out that it was as against England that France had adopted the principles of the Armed Neutrality, and that she always returned to the old Law while at war with England. Is it to be from thence argued that France could not be got to act upon her old ordinances, and her acknowledged Rights, in the case in question, when she ceased to be at Peace, and was to be at War, having England for her Ally, and the Author of the Armed Neutrality for her Enemy?

As to the French doctrine, that neutral goods might be seized under an Enemy's flag, this was as fluctuating as the other, and consequently must have been open to negotiation, had it been an object with England to obtain from France that she should renounce it. This is rendered still more probable by the history of the claim. It will be found, we believe, that it was introduced in Special Treaties as an equivalent for the allowing a Neutral State to carry Enemies' Goods. Such Treaties were special contracts in the nature of bargains, in which one State said to another, "We give up our natural right of seizing our Enemies' Goods, to favour your trade; we require in return that you will concede to us the power to seize your goods, if we find them in our Enemies' vessels, instead of returning them to you as we are bound to do, according to the general Law of Nations." Yet now we are expected to believe, and that without the shadow of proof, that it was natural, and, as it were, inevitable (Dr. ABDY says, "it became necessary") for Alliance between England and France against Russia, that the two nations should give up both the old-established right and the modern equivalent for that right. "A Compromise effected," not by England adopting the law of France, or France adopting the law of England, but by each giving up what we are now told specially belonged to each; and thus the first fruit of the alliance is made to consist in a mutual surrender for the advantage of the Common Enemy!

You say that the object was to assimilate the practice of the two Countries. Why then should it not have been the practice of France that should have been assimilated to that of England? A military and a maritime Power combining for an operation, it was in the nature of things that the maritime Power should use its means as the military Power should use its means. The objects of both are

assumed to be identical; this, therefore, was the process by which the assimilation could alone take place. It is exactly the contrary that comes out, and with this you are content.

Again, assuming that the law of France was different from ours; assuming that it was an object to assimilate the two; assuming, moreover, that the assimilation was to take place by the abrogation of the laws of England; how was it to be brought about? Some one must speak; who is to speak? Speaking, he is to say something; what is he to say? Is it England that is to say to France, "We propose to you a negotiation to alter our laws." France would necessarily answer, "Alter them yourselves". It must then be France that speaks and says to England, "Give up the Right of Search; for that is the condition alone on which we can join together to protect the integrity and independence of the Ottoman Empire."

Now, let us imagine what the answer must have been. We do not require that the times of the Duke of NEWCASTLE and Lord MANSFIELD, of Lord NELSON and Lord STOWELL, should return. What must have been the answer of Lord CLARENDON himself, if free from dictation? Must he not have said, "Your proposal defeats the very object of the Alliance, since you have no means of coercing your enemy, save by the very right you propose to us to abandon"? Must he not have said, "Our object is to defend an ally; our object is not to sacrifice our own existence"? Must he not have said, "This right belongs to France not less than to England, and is established in your most ancient laws, and by the authority of your greatest sovereigns"? Finally, must he not have said, "Such a measure will never be tolerated by England"? For he did say, after the Declaration of Paris had been signed, that it never could have been signed had it not been kept secret from Parliament and the Press. If such a correspondence exists, it must be the most wonderful literary production of the present age; but we assert that it never did, because it never could, take place. If we are wrong, it is in your power to disprove our words by producing it, which you will not do, which you cannot do.

Just look at the dates. On the 25th of March, 1854, Lord CLARENDON *did not know that the Right of Search was to be surrendered.* On that day he wrote to a Deputation of Russian merchants, "If it (Russian produce) should still remain enemies' property, notwithstanding it is shipped from a neutral port, and *in a neutral ship*, it will be condemned." This letter was written as rectification of the verbal statement he had made to that same deputation five days before, when he had said that "produce coming from a neutral port would be considered *primâ facie* as friendly cargo."* This written, formal announcement must have been made after reference to the Cabinet and consultation therewith; so that on the 25th of March there was no member of the Cabinet who had any idea that three days later

* See the City Article in the *Times*, March 22, 1854.

they should themselves issue the Declaration for the suspension of the seizure of enemies' *property*, as well as produce, in neutral vessels.

But this war, and the manner of carrying it on, was not suddenly brought upon the English Cabinet. It was not on the 25th, or even on the 20th of March, that it had to consider whether it was to go to war with Russia, or on what conditions it had to secure the co-operation of France. Nor was the French Government at that period only to consider on what conditions it had to secure the co-operation of England. The question, in its full gravity, had been before the Cabinet for the two previous years. The immediate grounds of the war had arisen eight months before, by the passage of the Pruth. The English squadron had been, in 1853, in the Bay of Besika, in violation of the Treaty of the Dardanelles. The fleet had sailed for the Baltic on the 11th of March, the Guards had embarked for Constantinople so early as the 23rd of February, while the Russian Ambassador had departed on the 8th.

We had written thus far, when, referring to the Debates in Parliament, to see if anything had there taken place which might throw light on the matter, we found positive proof of the accuracy of our hypothesis.

On March 17, Lord JOHN RUSSELL said, *as a reason for not communicating the intentions of the Government to the House:—*

"I can only say that I think it *will be necessary to communicate with France on this subject*; for though the views of the Government are decided, it is necessary, with respect to France more especially, to state what our views are, and see whether they are agreeable to the Government of France."

On the 24th of March, in reply to a question, Lord J. RUSSELL refused to say more than that "he hoped very shortly to announce the intentions of the Government."

Sir F. KELLY:—"Will the announcement be made before or after the course to be taken has been resolved on by the Government?"

Lord JOHN RUSSELL:—"I think it probable it will appear in the shape of an Order in Council, or a Declaration on the part of Her MAJESTY; but I am not sure that it may not be necessary *to bring a Bill in Parliament also*."

What had to be done had to be done, therefore, by England, not by France. The French Government was only to receive communication as to what was to be done. On the 17th, NO COMMUNICATION HAD TAKEN PLACE WITH FRANCE. On that day the Government had made up their minds to do something. On the 24th, they did not know when or how it was to be done. On the 25th, as shown by Lord CLARENDON'S letter, they had renounced the intention of doing any thing. Up to this time no concert with France.

Here is a complete picture of the state of mind which rendered it possible for Lord PALMERSTON to carry out in this respect, as he did in all others, the objects of Russia in respect to the Crimean war, and that whether acting in the capacity of Home Secretary or of Prime Minister.

The correspondence, therefore, with France must have taken place *ex abrupto*, not earlier than the 26th of March, and the arrangements for the suspension of the Right of Search must have been completed, allowing for the utmost possible time that their dates afford, in forty-eight hours. Be it also remarked that the Declaration, dated the 28th, and published that night as a supplement to the *Gazette*, does not even bear the words "By the Queen in Council," and to it no signature is appended. No meeting of the Privy Council had taken place since the 9th. On the 28th, however, the Cabinet Council sat from two o'clock till four at the Foreign Office. The inference is clear that the Declaration was a surprise sprung upon the Cabinet itself that afternoon, if indeed, it was not inserted in the *Gazette* without their knowledge, and seen for the first time by the Colleagues of the Home Secretary after it had become for them irrevocable, that is to say, after it was put in type. The letter of the QUEEN, read by Lord JOHN RUSSELL the 3rd of February, 1852, shows that the case which we suppose would not be a solitary one, but would pertain to the usual practice of "that Minister."

In striking contrast to the Declaration of the 28th was the Order in Council of the 29th, for general reprisals against Russia. This was heralded by all the usual formalities, and signed by the Lord Chancellor and by seventeen of the other principal Ministers, among whose names that of Lord PALMERSTON is not to be found.

Mr. KINGLAKE explains the order for the Invasion of the Crimea, by the Cabinet having been drugged when the Despatch was read; but the picture which we have here given from their own lips in reference to a matter a thousand-fold more important than that expedition will show that no such expedient was requisite to obtain from them assent, concurrence, or submission to any project of the Home Secretary, however criminal or insane. In the one case, it was an assent that was required beforehand; in the other, it was a submission after the fact. But this always comes out, that the necessary means are at hand for the accomplishment of that which Russia designs.

The French Declaration is dated a day later than the English one, just allowing the time necessary for printing. So that the French Cabinet had a surprise sprung upon it in the same way as the English. We may infer that one man in that Cabinet alone knew what he was about. The French Declaration of the 29th of March, 1854, was preceded by a Report from M. DROUYN DE L'HUYS, in which he says: "After having concerted with the Government of her Britannic "Majesty, I have the honour of submitting to Your Majesty the fol- "lowing Declaration." Lord PALMERSTON described the two Cabinets as identical, saying that they were indeed one, only that some of the members resided on the banks of the Seine, and others on the banks of the Thames. This man, the author of this surrender, became himself the Minister of England in 1831, only as the nominee of the Princess LIEVEN. LOUIS NAPOLEON, who countersigned the surrender on the part of France, was supported in the act which made him Emperor

by Lord PALMERSTON, despite the contrary decision taken by the QUEEN and his Colleagues.*

You speak, Sir, of the "*Convention*" of Paris. There was no Convention of Paris. There were two acts performed at Paris—one a Treaty of Peace concluding a war, and the Plenipotentiaries were there for that purpose, and for that purpose only, having no authority or even instruction to do anything beyond what belongs to a Treaty of Peace. Then, being there, and having passed the word to each other to keep secret what they said and did, they issued an anomalous and unheard-of document which they termed a "Declaration." There was thus a Treaty of Paris and a Declaration of Paris, but no Convention of Paris. The expression of Lord DERBY, "Capitulation of Paris," best expresses the nature of the conjoint act.

You go on—

"The object of the Convention of Paris was to bring the practice of the two States into harmony."

An object must be something to be obtained, not being possessed, and obtained by the proper and lawful course for arriving at it. Now, here the object was already obtained, as the practice of both countries had been identical. This, then, is no explanation of the Declaration of Paris, and the object of that act remains, by the failure of this first explanation offered for it, a more "insoluble mystery"† than before.

But the object, if it had to be obtained, was not by the enunciation of an abstract proposition. It could be obtained only by an altera-

* On the 15th of April, 1854, an Order in Council was issued permitting British merchants to trade with the enemy. In this Order the Declaration of the 28th March is embodied as a quotation. It appears, from the remarkable omission of the Queen's name, in defiance of grammar, in the order to carry that Declaration into effect, that Her Majesty, though present, must have taken care to avoid, even then, giving it her personal sanction. The following is the Order in Council:—

"At the Court at Windsor, the 15th day of April, 1854.

"Present,

"The Queen's Most Excellent Majesty in Council.

"Whereas Her Majesty was graciously pleased, on the 28th day of March last, to issue Her Royal Declaration in the following terms:—

(The Declaration of March 28 is here recited.)

"'*Now it is this day ordered, by and with the advice of Her Privy Council*, that all vessels under a neutral or friendly flag, being neutral or friendly property, shall be permitted to import into any port or place in Her Majesty's dominions all goods and merchandise whatsoever, to whomsoever the same may belong; and to export from any port or place in Her Majesty's dominions to any port not blockaded, any cargo or goods, not being contraband of war, or not requiring a special permission, to whomsoever the same may belong.'

"And Her Majesty is further pleased, by and with the advice of Her Privy Council, to order, and it is hereby further ordered, that, save and except as aforesaid, all the subjects of Her Majesty, and the subjects and citizens of any neutral or friendly State, shall and may, during and notwithstanding the present hostilities with Russia, freely trade with all ports and places, wherever situate, which shall not be in a state of Blockade, save and except that no British vessel shall, under any circumstances whatever, either under or by virtue of this order or otherwise, be permitted or empowered to enter or communicate with any port or place which shall belong to or be in possession or occupation of Her Majesty's enemies."

† Words applied by Earl Russell to the whole transaction.

tion of the laws of each country in the same sense. As it was attainable by that process only, so has it not been attained, as no alteration of the laws in either country has been made; and therefore the Declaration of Paris, whatever its effects on the mind of those countries or of the age, remains utterly destitute of legal value. In our former letter we emphatically put to you the question—

"We ask you, as a British lawyer, can a treaty impose a new rule of law upon the courts of this kingdom?"

We assumed that you could not answer that question affirmatively, and we went on to say:—

"If, as you must own, no such authority belongs to a treaty authorised and solemnly ratified, how can it belong to an act which is not even a treaty, which was issued without authority, and which the QUEEN has never sanctioned?"

In reply, you do not say that your answer is affirmative. You do not take exception to our assumption, that it cannot be affirmative; and after admitting thus that the Declaration of Paris, which is "not even a treaty," is destitute of legally binding power, you explain to us that the *object* of this Declaration is to set aside, to replace, and so to upturn, not the laws of England only, but of France also!

But the act in question is not one emanating from England and France only; it purports to emanate from Prussia, from Austria, from Sardinia, from Turkey, no less than from the other two. Is all law throughout this world to be broken down to make way for the supremacy of an accidental and occasional cabal, unconstituted and incorporeal, having no seat on earth, and no name under heaven? Let it be so; let us surrender all that each has, to attain to a universality of harmony in practice—have you got it? The Queen of SPAIN can send her cruisers and letters of marque across the Atlantic to-day, or the Mediterranean to-morrow, so can the United States, so can any fragment of these States, the hour they choose, to ravage the seas and lay under contribution the commerce of the world, without fear or chance of retaliation. The result of your generality is just this, that any Power that has joined the Declaration, if assailed, is, by its obligations to those who have joined it, rendered incapable of resorting to its natural means of defence, against those who have not joined it.

After a reference to neutral goods in enemies' bottoms, you go on to say:—

"The Declaration of 1854 was intended to accomplish that object for the purposes of the Crimean War."

This puts the matter in a very tangible shape. The question comes to be one of naval practice and commercial circumstances. Were there any Russian vessels afloat carrying Neutral produce? Was the case therefore likely to arise in which the French rule of confiscating such goods would come into practice? We may safely suppose, from the nature of the Russian Trade, and Russia not being a maritime Power, that not a single such vessel was afloat. It is to prevent a contingency almost impossible to occur, that the laws of

the two countries are, by your own showing, to be overturned. Again, what did the contingency amount to? Sir W. Molesworth was not a sailor, therefore he was able to describe as something terrible that English and French ships should act upon different rules as to capture. We, who are not required to defend the acts of the Government on pain of losing a great position, as was Sir W. Molesworth, can only see that, practically, there would have been no difficulty whatever. And we believe that any impartial mind will see at once that had Sir W. Molesworth, on that occasion, been able in drawing that picture, to show the double operation by which Russian trade would be attacked, his statement would have been received with enthusiasm, because, whatever was the position of the Government, the *country* was sincere at that time in desiring to crush Russia. At a later period, "Public Opinion" was quite ready to support the Government in stopping the trade through Prussia, which grew up only in consequence of this Declaration.

We have now to consider, following the terms of your letter, a most momentous question—"the purposes of the Crimean War."

We feel grateful to you, Sir, for having, by the use of these words, obliged us to put the question, What were "the purposes of the Crimean War?" because we believe that until that War is understood, nothing can be understood.

The formal grounds of the war were to "maintain the Integrity and Independence of the Ottoman Empire." In this we do not agree; we say that the contrary was the purpose, and that the Russians had been beaten by the Turks before the Allies appeared on the scene; but these were the grounds put forward.

Lord Russell explained the purposes of the war in a more popular fashion to his constituents of the City of London, and that was "to prevent Russia for the future from giving trouble to any other State."

The *Times*, through which the Government then spoke, explained more at large to the British nation what it intended and was about to accomplish by this war. It was to "break Russia's power in its very centre." It was, moreover, "to save India," it being better to have the struggle out in the Crimea than on the Indus, as we could send out our men to the former point at a cheaper rate, and had, besides, France to back us. With the *effects* of the Crimean War we have nothing at present to do—these were the *purposes*. They could not be forwarded by the preventing of France from seizing Russian merchantmen sailing between Constantinople and Odessa and carrying neutral property.

The questions still are—How can the act of surrender of the British Government be justified?—how can it be explained? It cannot be justified; it can be explained.

You do not justify it; you only quote words from a writer who takes compacts and treaties for the Law, who holds the Declaration of Paris to be part of the Law of nations, and who, therefore, with us, can be no authority at all; as this much at least we have learnt of Law—that treaties between nations, as contracts between individuals,

are binding only in so far as they are conformable to law—not that Law is constituted by compacts, even when they are formally drawn up; far less by illegal and informal acts.

To be justified, it requires that the surrender should be according to law—that it should be enacted by law; and then, further, it requires a political consideration out of which it can be stated to have sprung, which can only be one of two—1st, that the State acquires an advantage thereby; 2nd, that it escapes a danger thereby—that is, that we have been victorious or beaten; for then only would other nations submit, or then only would we submit. None of these grounds can be shown; therefore the act of the English Government cannot be justified.

But it can be explained. That explanation is—connivance with our enemy. That explanation belongs not to the domain of law, but of diplomacy. It can be traced, not in this as an isolated case, but in the whole of the proceedings in reference to this war from first to last—nor in this war only, nor in respect to this country only, but during a long course of preceding years. These assertions we make on no speculative or *ex parte* grounds, but upon official testimony. Lord CASTLEREAGH, in 1814, in a letter addressed to the Emperor of RUSSIA, summed up the history of the relations between the two Governments during the previous European war; showing what the services had been which England had rendered to Russia. This document was published by the English Government itself in 1847, and from it we extract a passage of an importance so great and so painful, that we cannot doubt that it will bring home to you a sense of alarm similar to that which we ourselves entertain in reference to the connexion between the Cabinets of England and of Russia, and to the ends to which the influence of the latter over the former is directed.

"Your Imperial Majesty will recollect that we are only now emerging from a long course of *painful policy* with respect to Norway, undertaken, at your Imperial MAJESTY'S *instance*, in order to secure to you the support of Sweden throughout the war, and *to consolidate your possession of Finland*, by obtaining for that Power an adequate indemnity in another direction. *To this object* our resources throughout THE *contest*, and our *conquests from Denmark*, were steadily directed and successfully applied, under circumstances *not a little arduous to such a Government as ours.*

"Your Imperial MAJESTY will trace the same friendly spirit in the aid lately afforded by His MAJESTY'S Ministers at the Porte to the conclusion of a peace with the Turks, which involved in it *a large accession of territory to your Empire.**

"I may refer to a still more recent instance on the side of Persia, which your Imperial MAJESTY has *condescended* more than once to acknowledge, where a peace has been signed, *securing to Your Imperial* MAJESTY *important and extensive acquisitions, in consequence of the active intervention of the King's Ambassador, acting under express instructions from home.*†

"If I now find myself compelled, in this, the *fourth instance of Russian aggrandisement within a few years*, by a sense of public duty to Europe, and *especially* to

* The "aid" here referred to was a "threat of war."—*See Appendix to Sir R. Wilson's "Russian Journal."*

† These instructions were to practise deceptions on the Persian Government, as will be seen in the detail of the negotiations given in Sir John McNeill's "Progress of Russia in the East."

Your Imperial MAJESTY, *to press for a modification*, not *for an abandonment*, of Your Imperial MAJESTY's pretensions *to extend your Empire further to the westward* (Poland), I persuade myself that I may do so without being considered by your Imperial MAJESTY as influenced by any other sentiments than those which *it becomes me to entertain as the Minister of an Allied Power*."*

This statement of the case by Lord CASTLEREAGH, however at variance with history as it is written, is fully confirmed, and more than confirmed, by "THE DECLARATION" of the English Government against Russia in 1807.

It declares that all the warlike measures against the States whom we had attacked, and all the negotiations with the States in whose behalf we had appeared to interest ourselves, had been undertaken on account of "no British interest," and had been directed solely to "advance the interests of Russia."† It might from this be inferred that all had then been granted that Russia could require, and that all had then been ceded that England could surrender; consequently, that the Right of Search would then also have been yielded, had Russia required at that time its surrender. It is not so. Russia did then require its surrender but was baffled. England had no compunctions in bombarding Copenhagen, in blockading Norway at the moment of famine to secure the possession of Finland to Russia, in resuming hostilities against France, and in carrying on for eight more years a terrible war with that country merely to force her to join in the partition of the Ottoman Empire by giving the provinces of the Danube to Russia—England, we say, who had no compunctions in doing all these things, still would not yield one iota on the Right of Search. Here are the words, inserted in this very Declaration of 1807, in all other respects a record of infamy and infatuation without parallel in the darkest page of decay.

"His MAJESTY proclaims anew those principles of Maritime LAW, against which the Armed Neutrality, under the auspices of the Empress CATHERINE, was originally directed, and against which the present hostilities of Russia are denounced. These principles have been recognised and acted upon in the best periods of the history of Europe; and acted upon by no Power with more strictness and severity than by Russia herself in the reign of the Empress CATHERINE.

"These principles it is the right and the duty of His MAJESTY to maintain; and against every confederacy His MAJESTY is determined, under the blessing of Divine Providence, to maintain them. They have at all times contributed essentially to the support of the maritime power of Great Britain, but they are become incalculably more valuable and important at a period when the maritime power of Great Britain constitutes the sole remaining bulwark against the overwhelming usurpations of France—the only refuge to which other nations may yet resort, in happier times, for assistance and protection."

Coming down, then, to the year 1854, we are prepared, if we have gone to the sources of history, Public Documents, to find in that

* Correspondence between Viscount Castlereagh and the Emperor of Russia respecting the Kingdom of Poland. Presented by Command, 1847, p. 2.

† "The instance of the war with the Porte is . . . . singularly chosen to illustrate the charge against Great Britain of indifference to the interests of her ally; a war undertaken by Great Britain at the instigation of Russia, and solely for the purpose of maintaining Russian interests against the influence of France."

"The Emperor of RUSSIA cannot fail to remember that the last negotiation between Great Britain and France was broken off, upon points immediately affecting, not His MAJESTY's own interests, but those of his Imperial Ally."

war the counterpart of those which preceded it, viz. "a war under-"taken at the instigation of Russia, and solely for the purpose of "maintaining Russian interests." There is, indeed, a peculiarity in matter of form; the former wars had been undertaken only against Powers which Russia was seeking to break down or to dismember, whereas this war was undertaken, nominally, against Russia herself. But then the mode of carrying on this war was by directing the forces of the Allies against one particular point external to Russia, and where she had for eighty years been accumulating the means for their destruction.

But you may suppose that if such things had been possible in former times, they were impossible in this age of publicity, philanthropy, and public virtue and honour; but so far from this being the case, it is exactly the reverse; on previous occasions no one suspected the real motive; it was entirely veiled under secresy or masked by public passions. The truth came out years afterwards, too late for prevention, alas! too late for instruction. In this case the truth was placed before the public not only at the time, but in anticipation, and that in the most authoritative manner. On the entrance of the squadrons into the Black Sea, Lord PONSONBY, formerly Ambassador at Constantinople, finding his private remonstrances unavailing, published a letter in which he declared that they were "sent for the protection of Russia, not of Turkey." Mr. SIDNEY HERBERT, a member of the Cabinet, described the war as one in which "we were agreed with our Enemy, but not with our Ally." He was neither called upon by his Colleagues to recant, nor was he dismissed. The words were therefore an avowal by the Cabinet itself that they were acting in collusion with Russia against Turkey. Mr. DISRAELI called the war one of "credulity *or* connivance," and, after Russia, by a publication in her official *Gazette*, had forced the British Government to publish (in part) the "Secret and Confidential Communications," he altered the terms of his description to "a war of credulity *and* connivance."

Mr. LAYARD, in the House of Commons three days after the publication of the Declaration of War, said:

"I have heard in this House some talk of a policy of connivance or credulity. The circumstances of the case are so extraordinary that I cannot understand them, unless it is that there are two opinions in the Cabinet. There has been both connivance and credulity. Out of this unnatural union there has been begotten the bastard policy which has brought the country to war."

Such opinions appear to have been gratifying to the Cabinet. They emanated from the Secretary of Embassy at Constantinople, soon to become Under-Secretary for Foreign Affairs.

The opinions of Lord STRATFORD DE REDCLIFFE, then Ambassador at Constantinople, were entirely in the same sense. He was emphatically pointing out to the Government at home the "*danger*" of the course in which they were engaged in attempting to hold down the spirit and patriotism of the Turks.

Not less instructive or emphatic were the grounds, well known, on

which the Governments of Prussia and Austria refused to take part in the war, which were that they did not consider it sincere. They would not, they said, take part in a war which was preceded by a Protocol, which laid it down that the frontiers of Russia should remain the same after the war had been brought to a termination.

A letter from Mr. BUNSEN from Berlin to a friend in London, and published at the time, contained these words: "Everybody is with you, or would be with you, if you could only convince us that you are with yourselves."

If we at the time differed from the rest of the nation in our judgment of the proceedings, and if we, each in his own sphere, did our best to dispel the then illusions and to arrest the war, it was that we had been instructed as to its real nature by another diplomatist, Secretary of Embassy with Lord PONSONBY, as Mr. LAYARD had been with Lord STRATFORD DE REDCLIFFE, and we thus knew that all those who were acquainted with the subject and had a right to speak on it were of one opinion, but that the people of England were unfortunately of another. Thus it is that the Declaration of Paris has to be explained. It is not that it was framed to suit the purposes of the Crimean war, but that the Crimean war was planned to bring about, amongst other things, the Declaration of Paris.

The Crimean war was planned, in the first instance, to protect Russia against Turkey; in the second instance, to withdraw Russia from the control of England and to acquire that control over her;* in the third instance, to inspire Europe with such dread of Russia that that alone should serve henceforward to solve all questions in her favour.

Of this last effect you have a notable evidence in the discussions and proceedings in reference to the Right of Search. Except the words that, on the first burst of indignation, escaped Lord DERBY, no one has ever connected the Declaration of Paris with Russia. No one is unacquainted with the Armed Neutrality; no one doubts the identity of the "Declaration of the Principles of Neutrality" of 1780 and of the "Declaration of Paris" of 1856. To explain the latter, everything is brought in—France, United States, and even Prussia, but there is no mention of Russia. You have no mention to make of Russia. You explain it upon legal grounds. This is because you have all in your hearts the dread of Russia. Therefore is it that whoever sees the danger it brings, shrinks from the very thought of reversing it, because he dreads Russia. Then he either applies himself to invent excuses for it, or proposes to get out of it by "going further,"—in a path which will not be disagreeable to Russia.

At the moment that we write there are a million of armed men in position for military operations; and this is in Europe. England and France are not among them, take no part, have not been able to prevent, and do not profess to be able to interfere. Public men and

* In the *Crisis*, published in 1840, Mr. Urquhart described the object of Russia to be, to cause England to surrender up the trident, that it might be "laid down beside Poland's *broken* spear."

public newspapers declare, or accept the declaration, that England is powerless: yet no one refers to the cause of that powerlessness:* no one speaks of the abandonment of the Right of Search.

This European convulsion springs from a Treaty signed in London, interfering with the succession to the Crown of Denmark and the Duchies, in accordance with the Russian Protocol of Warsaw, and so forced upon Denmark as a consequence of a European necessity, because it had been consigned in this Treaty of London. It is impossible to conceive any operation short of the invasion of our shores more imperiously demanding decision and act on our part. If there be none, the only explanation is *powerlessness!* England and France may be involved in the consequences, must be involved in the consequences; but whatever they do, and whatever they suffer, will equally be the result of powerlessness.

Since the Declaration of Paris was signed, the state of things has been the same. Both Declaration and Treaty have been violated by Russia, and neither France nor England has dared to open her mouth.

Circassia and Poland are names which it alone suffices to pronounce. France has had to make, in reference to Mexico, an ignominious surrender going far to change the order of things in France. At this very moment Austria is placed in a similar predicament before the United States, and she too will have to make surrender. What resistance can there be by a Power that has resigned the Right of Search to a Power that retains it?

Had this been purely a legal question, you would have contented yourself with the admission contained in your letter of the 30th of April, and conveyed it in unambiguous terms. But this is not simply a legal matter, it is a diplomatic one, and you feel confused and perplexed by the consequence which must inevitably follow from the admission, that the law of France was coincident with the law of England in the month of March, 1854. That consequence is that the act of the British Government remains without any explanation whatever; more than this, that the explanation put forth by the English Government at the time was pure invention. What follows from such an admission? It is not less than this—that the whole of that operation, the war of 1854-6, with the negotiation that led to it and the consequences that followed from it, was a fraud practised alike on England, on France, and on Turkey, by some person in the British Cabinet acting in collusion with Russia, and able and dexterous enough to deceive the QUEEN, suborn his Colleagues, overreach what intelligence remained in the Parliament and nation, with the view of sacrificing the blood and treasure of three Empires, and, in the end, on the flimsy pretext that the law of France

* The Duke of Somerset, in giving reasons why Admiral Denman did not interfere at Valparaiso, instead of saying that interference on the part of a neutral would have been a violation of the Law of Nations, said, "If the British Admiral had remained after the notice expired, it might have led to a war with Spain, and *have compelled this country to protect a coast* 2000 *miles in extent.*

differed from that of England, break the trident in England's grasp, and deliver her over bound and helpless to her foes.

Such an admission no public man *can make*. To admit it, he must come forth from the system to which he belongs, from the world in which he lives, and while all ties have to be severed, all strength has to be possessed. Were such qualifications met and conjoined in any living breast, it would not fall to the lot of such men as we are to deal with such matters, nor could it depend on a letter of ours, whether one of the law officers of the Crown should or should not learn that he had been deceived as to the law of maritime capture of France in 1854 by a false statement put forward by his Government.

But, then, the man who alone, "without confederate and without antagonist," has done all this, is dead. The men who worshipped him have turned round with characteristic versatility, and now revile or despise him. The system up to his death, held to be that of the "truly British Minister," is now looked on with distrust, if not reprobation. The sense of utter powerlessness is passing, or rather has passed, into one of deep alarm. His share in the convulsion of India is known; his part in the fomentation of Irish Fenianism is suspected, perhaps, too, is known. Why is not an effort made to get rid of his system of which these are some of the fruits? It is because it is a mental effort that is required, and an effort that must follow, not precede, study and labour.

Without such labour and the knowledge resulting from it no conclusions, however correct, arrived at on the subject of the Declaration of Paris can be for any man of the slightest avail, because he is without the sense of action, that is, of diplomatic action. Such a one, however much he may deplore it, can do nothing more than sit down, cross his hands, and await the event. Thus it is that all that Lord DERBY could say was, "A time will come when the people of England will ring their hands as now they are ringing their bells;" but as soon could he have dreamed of upturning St. Paul's with his naked hand, as of moving for the rescinding of the Treaty of Paris, which with his capacity and power, if he had had but the knowledge, would have been the easiest of things to effect. So Lord RUSSELL reprobated and deplored, but could do nothing else, and having spoken once, dropped the matter for ever. So again the several speakers on the second night of the Debate on Mr. HORSFALL'S Motion successively declared that an act of suicide had been committed, and then sat down again. We have actually before us numerous letters of recent date from eminent men addressed to this and to other Committees, every one of which is, either by express words or by implication, a condemnation of the Declaration of Paris, but deprecating every attempt to get rid of it. One saying, "that we can only await" favourable chances by which to escape; another saying, "we are unhappily bound by the word of the Queen's Plenipotentiary" (!) and "we cannot escape without the consent of the other parties." There is a set of letters which indeed appear to propose doing something; but that doing is not undoing, which is the only doing that belongs to the subject. Throughout all this correspondence, so far as we are acquainted with

it, there is but a single letter which expresses a state of doubt; but by the writer not a word has been said in Parliament. He is a new Member and an eminent political and metaphysical writer, but all he says is this, "I am decidedly of opinion that the relinquishment "by the *Naval Powers* of their most powerful weapon of defence, against "the great *Military Powers*, can only be defended if it be true that the "change of circumstances had made that weapon one which could no "longer safely be used." We would here parenthetically observe that the writer (whose name we have no liberty to use, the letter not having been addressed to this Committee) has at once overstepped the narrow limits in which the question is made to revolve by the other public men, and has seen that the blow is struck no less against France than against England. He is therefore safe beyond the dilemma upon which the rest of England has been stranded, namely, that we had been constrained to the surrender by France.

We have, then, on the one side, the whole of the legal, political, and diplomatic faculties of the State in utter abeyance before an act of surrender, which all at the very same moment feel to be fatal to the independence and ultimately to the existence of this Empire; whilst, on the other hand, there are a few working-men who hold that act to be one from which England can escape with the greatest facility. The cause of that difference is simply this, that you have not studied the subject, and we have. You read the newspapers; you accept whatever is there both as proper and inevitable. You, like the Romans in the time of Seneca, take for law whatever your rulers do. We have taken another course, and the opposite one. We take the law as our guide, so as to know what our rulers ought to do; and that law, enlightening us on all things, we are able not only to understand events as they occur, but to anticipate them before their occurrence. We consequently know who leads these events, and, tracing step by step the means that are used to bring them about, we of course know, first, how they could have been prevented, and secondly, how to institute, on our part, a process for the reversal of what has been done.

In a word, Russia, through Lord PALMERSTON, deceived France into the surrender of her Right of Search; she now backs up the act in France by making the French people and statesmen believe, not only that the abandonment of the Right of Search is a triumph for France, but that the Declaration of Paris is a humiliation for Russia. What is to be done, therefore, on the other side is clear. Misrepresentations have to be corrected, falsehoods have to be exposed, the truth has to be established. The present conjuncture is all that can be desired in the humiliation of France before the United States. This is what any member of our Committees could design and effect, were he Minister of England. But this is what cannot be so much as conceived by any man who imagines that the Law of France on Maritime Capture is different from that of England.

I have the honour to be,
(On behalf of the Committee),
Sir, your obedient servant,
ISAAC IRONSIDE, Chairman.

The Right Hon. the Lord Advocate, M.P.

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